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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,669	02/22/2002	Joseph P. Reghetti	30289/38256	2099

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EXAMINER

JONES, HUGH M

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/081,669	Applicant(s) REGHETTI, JOSEPH P.	
	Examiner Hugh Jones	Art Unit 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/28/02; 5/24/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-49 of U. S. Application 10/081,669 filed 02/22/2002, are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoeft in view of Racine.

5. Hoeft discloses a system for dynamic analysis of hydraulic performance of a sprinkler in a CAD system (col. 2, line 42 to col. 3, line 55), including a wizard (col. 6, line 66 to col. 7, line 18). Hoeft disclose memory coupled to the processor (col. 5, lines 5-25); a display device coupled to the processor (col. 5, lines 5-25); a drawing routine stored in the memory and adapted to be executed on the processor (col. 5, line 59 to col. 6, line 24); a fire sprinkler drawing system to produce a fire sprinkler system drawing of two or more interconnected fire sprinkler elements

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in response to a plurality of user initiated commands (col. 5, line 59 to col. 6, line 24), wherein said drawing routine stores the sprinkler drawing in the memory and is adapted to display the fire sprinkler drawing on the display device (col. 5, line 59 to col. 6, line 24). Hoeft also discloses the dependent limitations directed at the specifics of sprinkler systems and sprinkler system hydraulics on a CAD system (col. 5, line 59 to col. 6, line 24; fig. 1-3, 5, 7).

6. Hoeft does not expressly disclose the use of voice activated control of the CAD system.

7. Racine discloses a voice activated CAD system (fig. 1, # 32; fig. 2 # 30).

8. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hoeft disclosure with the Racine teaching because Racine discloses (col. 2, lines 9-13) that with a voice activated CAD system, the user doesn't need to go back and forth between the computer keyboard and drawings.

9. Claims 40-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Normann et al. in view of Racine.

10. Normann et al. disclose designing and editing a building construction plan using a CAD (col. 2, line 57 to col. 3, line 35). Norman et al. disclose a processor (col. 4, lines 6-26); a memory coupled to the processor (col. 4, lines 6-26); a display device coupled to the processor (col. 4, lines 6-26); a drawing routine stored in the memory and adapted to be executed on the processor to product a building construction system drawing of two or more interconnected building construction elements in response to a plurality of user initiated commands (col. 4, line 27 to col. 5, line 3; fig. 1, 6, 11, 14, 16), wherein said drawing routine stores the building construction system drawing in the memory and is adapted to display the building construction system drawing on the display device (col. 4, lines 6-26). Normann et al. also disclose the

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specific limitations directed the specifics of building construction plans in CAD systems recited in the dependent claims (col. 5-32 show a detailed example of piping and sprinkler layout).

11. Normann et al. does not expressly disclose the use of voice activated control of the CAD system.

12. Racine discloses a voice activated CAD system (fig. 1, # 32; fig. 2 # 30).

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Normann et al. disclosure with the Racine teaching because Racine discloses (col. 2, lines 9-13) that with a voice activated CAD system, the user doesn't need to go back and forth between the computer keyboard and drawings.

14. Any inquiry concerning this communication or earlier communications from the examiner should be:

directed to: Dr. Hugh Jones telephone number (571) 272-3781,

Monday-Thursday 0830 to 0700 ET,

or

the examiner's supervisor, Jean Homere, telephone number (571) 272-3780.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

or (703) 308-1396 (for informal or draft communications, please label *PROPOSED* or *DRAFT*).

Application/Control Number: 10/081,669

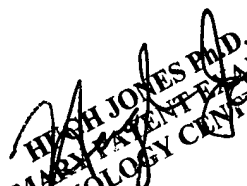
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Dr. Hugh Jones

Primary Patent Examiner

July 23, 2005


HUGH JONES PH.D.
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2100